IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

APPAIL OF

Application No.

Cox et al. 10/013,987

Filed

December 11, 2001

Title

Conf. No.

Contact Lens and Method for Fitting and Design 1952

Docket No.

P03031



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Director of

the United States Patent and Trademark Office, Washington, D.C. 20231, on February 7, 2002

<u>PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS</u> IN A NONPROVISIONAL APPLICATION ORIGINALLY FILED

Director of the United States Patent and Trademark Office Washington, DC 20231

Initial Patent Examination Division

Customer Service Center

Dear Sir:

In response to the Notice of Omitted Items dated January 15, 2002, Applicant, in accordance with Option I therein, contends that three sheets of drawings were mailed with the above-entitled application on December 11, 2001. Enclosed is a copy of the postcard acknowledging receipt by the USPTO of the documents sent with this filing, including three sheets of drawings. Also enclosed are copies of the three sheets of drawings in question, as well as a copy of the Notice of Omitted Items.

Applicant's standard business practice is to verify that all items and pages listed on the transmittal letter are included and that a complete application is being placed into an express mail envelope for filing. This practice was followed in this instance.

Please charge the petition fee of \$130.00 to Applicant's Deposit Account No. 02-1425, which will be refunded to Applicant's deposit account if it is determined that the drawings had been received by the USPTO. If the USPTO determines that the drawings were not included in Applicant's filing papers, please assign this application a new filing date and forward Applicant a Notice to File Missing Parts so that an appropriate 10013307 supplemental declaration can be prepared.

Bausch & Lomb Incorporated One Bausch & Lomb Place Rochester, New York 14604

Phone: (716) 338-5012 Dated: February 7, 2002 Respectfully submitted

William Greener Reg. No. 38,165

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Applicant:

Cox et al.

Serial No.:

Not Yet Assigned December 11, 2001

Filing Date: Title:

Contact Lens and Method For Fitting And Design

Docket No.:

P03031

COPY OF PAPERS ORIGINALLY FILED

Transmitted Herewith:

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New Utility Patent Application Transmittal

New Utility Patent Application Transmittal
Specification:
No of Pages of Specification: 12
No of Pages of Claims: 7
No. of Pages of Abstract: 1
No. of Pages of Drawings: 3
Initial Information Data Sheet
Combined Declaration and Power of Attomey
Assignment w/Recordation Form Cover Sheet
Certificate of Mailing
Acknowledgement of Receipt Card

Acknowledgement of Receipt Card Fee: \$1412.00

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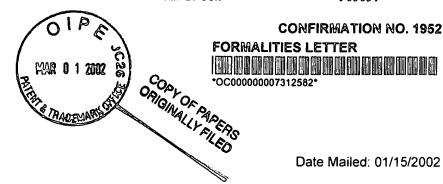
10/013,987

12/11/2001

Ian G. Cox

P03031

William Greener Law Department Bausch & Lomb Incorporated One Bausch & Lomb Place Rochester, NY 14604



NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.
 - III. The failure to file a petition (and petition fee) under the above options (I) or (II) within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b). In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.





A copy of this notice MUST be returned with the reply.

Customer Service Center Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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| REQUEST FOR PATENT FEE REFUND | | | | | | |
| 1 Date of Request: 6302 2 Seri | | | al/Patent # 10 013,987 | | | |
| 3 Please refund the following fee(s): | | 4 PAPER NUMBER | | 5 DATE FILED | 6 AMOUNT | |
| Filing | | | , | | \$ | |
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| | Notice of Appeal/Appeal | | | | | \$ |
| × | Petition | | 3 | | 3/1/02 | \$ 130 |
| | Issue | | | | | \$ |
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| 11 REF | FUND REQUESTED BY: C.T. Donn | العاما | | | | |
| TYPED/PRINTED NAME: C. T. Donnell TITLE: Petitions attorne | | | | | | |
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Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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